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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,281	03/29/2001	James E. Hanson	YOR920000580US1	4457

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EXAMINER
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SMITH, JEFFREY A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/821,281

**Applicant(s)**

HANSON ET AL.

**Examiner**

Jeffrey A. Smith

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8,34-52,78-96 and 122-132 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,34-52,78-96 and 122-132 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/29/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Response to Amendment***

Receipt is acknowledged of the Response filed November 1, 2004.

Claims 1-8, 34-52, 78-96, 122-132 are pending.

Claims 7-33, 53-77, and 97-121 have been canceled.

Claims 1-6, 8, 34-42, 45-50, 52, 78-86, 89-94, 96, 122-130 have been amended.

An action on the merits of claims 1-8, 34-52, 78-96, 122-132 follows.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-8, 34-52, 78-96, and 122-132 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin et al. (U.S. Patent No. 6,141,653).

Claims 1, 45, and 89

Conklin et al. teaches:

registering, by a matchmaker, with at least one of a plurality of directory services (col. 17 lines 14-34);

receiving, at a matchmaker, advertisements from a plurality of vendor agents (fig. 1g [50]);

the plurality of vendor agents obtained the identity and contact information of the matchmaker from the at least one of a plurality of directory services (col. 17 lines 14-34);

the advertisements comprise an informational format designated by the matchmaker (col. 27 line 35 - col. 28 line 36);

obtaining, by a consumer agent, the identity and the contact information about the matchmaker from the at least one directory service (col. 17 lines 14-34) as inferred by the use of the Internet by the matchmaker;

receiving, at the consumer agent, a consumer agent selected list of advertisements from the matchmaker, wherein the each

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advertisement in the selected list of advertisements match criteria specified by the consumer agent (col. 13 lines 12-41);

sending, from the consumer agent, a request for a quote to one or more of the vendor agents corresponding to advertisements in the consumer agent selected list of advertisements (col. 20 lines 24-34); and

receiving, by the consumer agent, responses from the one or more vendor agents (col. 19 lines 15-57).

Claims 2, 37, 46, 81, 90, and 125

Conklin et al. teaches:

completing a purchase of a product from a selected one of the one or more vendor agents replying with an offer for sale (col. 19 line 14 - col. 24 line 41).

Claims 3, 47, and 92

Conklin et al. teaches:

the consumer agent selected list of advertisements is provided to the consumer agent for a fee (col. 24 lines 45-63).

Claims 4, 48, and 92

Conklin et al. teaches:

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the fee includes a subscription fee to the matchmaker service (col. 24 lines 45-63).

Claims 5, 49, and 93

Conklin et al. teaches:

the fee includes a fee per list of advertisements provided to the consumer agent by the matchmaker (col. 24 lines 45-63), which is encompassed by the teaching of a one-time service for a fee.

Claims 6, 50, and 94

Conklin et al. teaches:

the matchmaker charges a fee to each of the plurality of vendor agents for listing the advertisements with the matchmaker service (col. 24 lines 45-63), which is encompassed by the teaching of *the present invention could be operated as a one-time service for a fee as well as an ongoing systems. In either case, the costs of the system's fees are likely to be dwarfed by the costs the users would otherwise have incurred if they had to create their own Websites and mechanisms.*

Claims 7, 51, and 95

Conklin et al. teaches:

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the fee includes a subscription fee (col. 24 lines 45-63).

Claims 8, 52, and 96

Conklin et al. teaches:

the fee includes a fee per advertisement listed with the matchmaker (col. 24 lines 45-63).

Claims 34, 78, and 122

Conklin et al. teaches:

finding contact information for one or more matchmakers from a directory service (col. 17 lines 14 -34) as inferred by the use if the Internet by the matchmaker; and

requesting and receiving from at least one matchmaker a vendor information for a particular category of products (col. 13 lines 12-41).

Claims 35, 79, and 123

Conklin et al. teaches:

the vendor information includes contact information for each vendor (fig. 9 [605, 610, 615]) .

Claims 36, 80, and 124

Conklin et al. teaches:

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requesting a quote from one or more vendors on the list of vendors (col. 20 lines 24-34).

Claims 37, 81, and 125

Conklin et al. teaches:

completing a purchase for a product with a selected one of the vendors supplying a quote for the product (col. 19 line 14 - col. 24 line 41).

Claims 38, 82, and 126:

Conklin et al. teaches:

the list of vendors for a particular category of products requested by the consumer agent is selected after a search of available product categories from the matchmaker (col. 32 lines 8-16).

Claims 39, 83, and 127

Conklin et al. teaches:

the list of vendors for a particular category of products requested by the consumer agent is selected after browsing a listing of categories available from the matchmaker (col. 32 lines 8-16).



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Claims 40, 84, and 128

Conklin et al. teaches:

the list of vendors for a particular category of products requested by the consumer agent is selected using at least one keyword search term (fig. 29 [S01, S03, S06]).

Claims 41, 85, and 129

Conklin et al. teaches:

the list of vendors for a particular category of products requested by the consumer agent is selected based on a similarity to a selected listing (fig. 29 [S01, S03, S06]).

Claims 42, 86, and 130

Conklin et al. teaches:

identifying a matchmaker using at least one of a plurality of directory services containing contact information for one or more matchmakers, wherein at least one directory service contains a different set of matchmakers from at least one other directory service (Abstract; col. 10 lines 23-33);

contacting the matchmaker and obtaining advertisement content and format requirements (col. 20 lines 5-23);

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creating an advertisement complying with advertisement content and format requirements for the matchmaker (col. 20 lines 5-23); and

providing the advertisement to the matchmaker (col. 20 lines 5-23).

Claims 43, 87, and 131

Conklin et al. teaches:

providing the matchmaker with a preferred presentation of the advertisement (col. 20 lines 5-23), in the context of as uploading product catalogs, customizing the Website from time to time, and similar processing.

Claims 44, 88, and 132

Conklin et al. teaches:

the preferred presentation of the advertisement comprises a preferred placement of the advertisement in a list of advertisements provided to consumer agents (col. 22 line 40 - col. 23 line 9).

***Response to Arguments***

Applicant's arguments filed November 1, 2004 have been fully considered but they are not persuasive.

Applicant's amendments and remarks are directed to the autonomous nature of the agents of the instant invention. In distinguishing the instant invention from Conklin, Applicant remarks:

"Conklin does not teach or suggest an agent that takes on any form or degree of autonomy. In Conklin, a human participant is assumed to perform all of the functions associated with his or her role." ("Remarks" at page 16).

The Examiner notes that Specification at page 10, lines 1-4 states:

"The agent's interactions with its owner may take on any form or degree of autonomy--i.e., the owner may preprogram the agent's routine actions such that the owner needs to interact with the agent often, seldom, or never."

Such range of degrees of autonomy encompass the entire spectrum of interaction that is required of a owner. Accordingly, Applicant's recitations that each of the various agents is "autonomous" encompasses the entire spectrum of interaction that is required of the instant participants and therefore still "reads on" Conklin--even if, as alleged by

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Applicant, Conklin requires "a great deal of work on the part of the participants" ("Remarks" at page 14).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

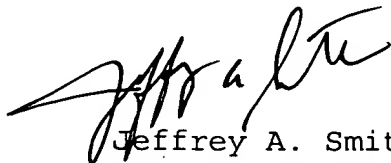
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Smith  
Primary Examiner  
Art Unit 3625

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